

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION**

**ADDENDUM NO. 1
for
SIGN REPLACEMENT AT VARIOUS LOCATIONS
ISLAND OF OAHU
PROJECT NO. HWY-OM-2023-47**

The following amendments shall be made to the Bid Documents:

A. SPECIFICATIONS

1. Replace Section 103 – Award and Execution of Contract dated 9/12/22 with the attached Section 103 – Award and Execution of Contract dated r10/10/22. Revised Subsection 103.02 – Award of Contract.

The following is provided for information.

B. PRE-BID MEETING MINUTES

1. Pre-bid meeting attendance and minutes are attached for information.

C. ANSWERS TO QUESTIONS FROM PROSPECTIVE BIDDERS

1. Attached are RFIs and responses for your information.

Please acknowledge receipt of this Addendum No. 1 by recording the date of its receipt in the space provided on page P-4 of the Proposal.



JADE T. BUTAY
Director of Transportation

1 Make this section a part of the Standard Specifications:

2
3 **“SECTION 103 - AWARD AND EXECUTION OF CONTRACT**

4
5
6 **103.01 Consideration of Proposals.** The Department will compare the
7 proposals in terms of the summation of the products of the approximate quantities
8 and the unit bid prices after the submittal date and time established in HlePRO. If
9 a discrepancy occurs between the unit bid price and the bid price, the unit bid price
10 shall govern.

11
12 The Department reserves the right to reject proposals, waive technicalities
13 or advertise for new proposals, if the rejection, waiver, or new advertisement favors
14 the Department.

15
16 **103.02 Award of Contract.** The award of contract, if it be awarded, will be
17 made within 60 calendar days after the opening of bids, to the lowest responsible
18 and responsive bidder whose bid meets all the requirements and criteria set forth
19 in the invitation for bids. (Through HlePRO). The successful bidder will be notified
20 by letter mailed to the address shown in its proposal, that its proposal has been
21 accepted, and that it has been awarded the contract.

22
23 **(1) Requirement for Award.** To be eligible for award, the apparent
24 low bidder will be contacted to submit copies of the documents listed
25 below to demonstrate compliance with HRS Section 103D-310(c). The
26 documents shall be submitted to the Department within 14 days after bid
27 opening unless otherwise specified in the invitation for bids or an
28 extension is granted in writing by the Department. If a valid
29 certificate/clearance is not submitted on a timely basis for award of a
30 contract, a bidder otherwise responsive and responsible may not receive
31 the award. See also Subsection 108.03 – Preconstruction Data
32 Submittal.

33
34 The Department may request the bidders to allow the Department
35 to consider the bids for the issuance of an award beyond the 60 calendar
36 day period. Agreement to such an extension must be made by a bidder
37 in writing. Only bidders who have agreed to such an extension will be
38 eligible for the award.

39
40 **(A) Tax Clearance.** Pursuant to HRS Sections 103D-310(c), 103-53
41 and 103D-328, the successful bidder shall be required to submit a certified
42 copy of its tax clearance issued by the Hawaii State Department of Taxation
43 (DOTAX) and the Internal Revenue Service (IRS) to demonstrate its
44 compliance with HRS Chapter 237. A tax clearance is valid for six (6)
45 months from the most recent approval stamp date on the tax clearance and

46 must be valid on the bid's first legal advertisement date or any date
47 thereafter up to the bid opening date.

48
49 FORM A6, TAX CLEARANCE CERTIFICATE, is available at
50 the following website:

51
52 <https://tax.hawaii.gov/>

53
54 To receive DOTAX Forms by fax or mail, phone
55 (808) 587-7572 or 1-800-222-7572.

56
57 The application for the Tax Clearance Certificate is the responsibility
58 of the bidder and must be submitted directly to the DOTAX or IRS. The
59 approved certificate may then be submitted to the Department.

60
61 **(B) DLIR Certificate of Compliance.** Pursuant to HRS Section 103D-
62 310(c), the successful bidder shall be required to submit a copy (faxed
63 copies are acceptable) of its approved certificate of compliance issued by
64 the Hawaii State Department of Labor and Industrial Relations (DLIR) to
65 demonstrate its compliance with unemployment insurance (HRS Chapter
66 383), workers' compensation (HRS Chapter 386), temporary disability
67 insurance (HRS Chapter 392), and prepaid health care (HRS Chapter 393).
68 The certificate is valid for six (6) months from the most recent approval
69 stamp date on the certificate and must be valid on the bid's first legal
70 advertisement date or any date thereafter up to the bid opening date. For
71 certificates which receive a "pending" approval stamp, a DLIR approval
72 stamp is required prior to the issuance of the Notice to Proceed.

73
74 FORM LIR#27, APPLICATION FOR CERTIFICATE OF
75 COMPLIANCE WITH SECTION 3-122-112, HAR, is available at the
76 following website:

77
78 <http://labor.hawaii.gov/>

79
80 More information is available by calling the DLIR Unemployment Insurance
81 Division at (808) 586-8926.

82
83 Inquiries regarding the status of a LIR#27 Form may be made by
84 calling the DLIR Disability Compensation Division at (808) 586-9200.

85
86 The application for the Certificate of Compliance is the responsibility
87 of the bidder and must be submitted directly to the DLIR. The approved
88 certificate may then be submitted to the Department.

89
90 **(C) DCCA Certificate of Good Standing.** Pursuant to HRS Section
91 103D-310(c), the successful bidder shall be required to submit a copy

92 (faxed copies are acceptable) of its approved Certificate of Good Standing
93 issued by the Hawaii State Department of Commerce and Consumer Affairs
94 (DCCA), Business Registration Division (BREG) to demonstrate that it is
95 either:

96
97 (1) Incorporated or organized under the laws of the State; or

98
99 (2) Registered to do business in the State as a separate branch
100 or division that is capable of fully performing under the contract.

101
102 The Certificate of Good Standing is valid for six (6) months from the
103 approval date on the certificate and must be valid on the bid's first legal
104 advertisement date or any date thereafter up to the bid opening date. A
105 Hawaii business that is a sole proprietorship, however, is not required to
106 register with the BREG, and therefore not required to submit a Certificate of
107 Good Standing. Bidders are advised that there are costs associated with
108 registering and obtaining a Certificate of Good Standing from the DCCA.

109
110 To purchase a CERTIFICATE OF GOOD STANDING, go to On-Line
111 Services at the following website:

112
113 <http://cca.hawaii.gov/>

114
115 The application for the Certificate of Good Standing is the
116 responsibility of the bidder and must be submitted directly to the DCCA.
117 The approved certificate may then be submitted to the Department.

118
119 (D) **Hawaii Compliance Express (HCE).** In lieu of the certificates
120 referenced above, the bidder may make available proof of compliance
121 through the Hawaii Compliance Express or any other designated
122 certification process. Bidders may apply and register at the "Hawaii
123 Compliance Express" website:

124
125 <https://vendors.ehawaii.gov/hce/>

126
127 **103.03 Cancellation of Award.** The Department reserves the right to cancel
128 the award of contracts before the execution of said contract by the parties. There
129 will be no liability to the awardee and to other bidders.

130
131 **103.04 Return of Proposal Guaranty.** The Department will return the proposal
132 guaranties, except those of the three lowest bidders, after the Department checks
133 the proposals. The Department will return the proposal guaranties of the remaining
134 two lowest bidders, not awarded the contract, within five working days following
135 the execution of the contract. The Department will return the successful bidder's
136 proposal guaranty after the successful bidder furnishes a bond and executes the
137 contract.

138 **103.05 Requirement of Contract Bond.** At the time of execution of the
139 contract, the successful bidder shall file a good and sufficient performance bond
140 and a payment bond on the forms furnished by the Department conditioned for
141 the full and faithful performance of the contract in accordance with the terms and
142 intent thereof and for the prompt payment to all others for all labor and material
143 furnished by them to the bidder and used in the prosecution of the work provided
144 for in the contract. The bidder shall limit the acceptable performance and payment
145 bonds to the following:

- 146 (a) Legal tender;
- 147
- 148 (b) Surety bond underwritten by a company licensed to issue bonds in
149 the State of Hawaii; or
- 150
- 151 (c) A certificate of deposit; share certificate; cashier's check; treasurer's
152 check, teller's check drawn by or a certified check accepted by and payable
153 on demand to the State by a bank savings institution or credit union insured
154 by the Federal Deposit Insurance Corporation (FDIC) or the National Credit
155 Union Administration (NCUA).
- 156

- 157
- 158 **1.** The bidder may use these instruments only to a maximum of
159 \$100,000.
- 160
- 161 **2.** If the required security or bond amount totals over \$100,000
162 more than one instrument not exceeding \$100,000 each and issued
163 by different financial institutions shall be acceptable.
- 164

165 Such bonds shall also by the terms inure to the benefit of any and all
166 persons entitled to file claims for labor done or material furnished in the work so as
167 to give them a right of action as contemplated by HRS Section 103D-324.

168
169 In as much as the contract to be executed is a price-term, open end, or
170 requirements contract under which the contract price, or total amount to be paid
171 the Contractor cannot be determined at the time the contract is executed, the
172 performance and payment bond amounts required for the work at each Area shall
173 be as follows:

<u>Proposal</u>	<u>Security Amount</u>
A – Area 1	\$55,000.00
B – Area 2	\$55,000.00
C – Area 3	\$55,000.00
D – Area 4	\$55,000.00

183 **103.06 Execution of the Contract.** The contract bond and HRS Chapter 104
184 - Compliance Certificate, similar to a copy of the same annexed hereto, shall be
185 executed by the successful bidder and returned within ten days after the award of
186 the contract or within such further time as the Director may allow after the bidder
187 has received the contract for execution.

188

189 The contract shall not bind the Department unless said parties execute the
190 contract and the Director of Finance endorses the bidder's certificate in
191 accordance with HRS Section 103-39.

192

193 **103.07 Failure to Execute Contract.** Failure to execute the contract and file
194 acceptable bonds shall be cause for the cancellation of the award in accordance
195 with Subsection 103.06 - Execution of the Contract. Also, the Contractor forfeits
196 the proposal guaranty which becomes the property of the Department. This is not
197 a penalty, but liquidated damages sustained by the State. The Department may
198 then make award to the next lowest responsible and responsive bidder or the
199 Department may readvertise and construct the work under contract.”

200

201

202

203

204

END OF SECTION 103

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION**

PRE-BID MEETING ATTENDANCE AND MINUTES FOR

Project Title: Sign Replacement at Various Locations, Island of Oahu

Project No.: HWY-OM-2023-47

Date, Time & Place: Friday, September 30, 2022, at 10:00 a.m. Hawaii Standard Time (HST)
Pre-bid meeting was held virtually on Microsoft Teams.

Attendees:

Name	Organization/Company	Contact Information
Jennifer Russell	HDOT HWY-DD	jennifer.t.russell@hawaii.gov
Dawna Emoto	HDOT HWY-OM	dawna.l.emoto@hawaii.gov
Sean O’Kelly	Global Specialty Contractor’s, Inc.	seano@globalspecialty.net, (808) 843-8881
Richelle Driskill	GP Roadway Solutions	rdriskill@gproadwaysolutions.com, (808) 445-5621
Dalena Ann Ricks	GP Roadway Solutions	dricks@gproadwaysolutions.com, (808) 597-4006

Items of Discussion:

- A. Jennifer Russell (HDOT HWY-DD) called the meeting to order at 10:03 a.m. and noted the following:
1. Anything said at the meeting was for clarification only. The bid documents shall govern over anything said in the meeting and discrepancies shall be clarified by addendum.
 2. Summarized the scope of work as described in the Notice to Bidders.
 3. The contract is separated into four areas and bidders may bid on any or all areas. To be considered, the bidder must submit a bid for all items within an area.
 4. Separate contracts will be awarded for each area. But, if a bidder is determined the lowest bidder for multiple areas, one combined contract will be awarded.
 5. Review the requirements listed in Special Provision Section 102 to ensure proper submittal of a proposal. Use the forms that are posted in the HHePRO

solicitation. If there are any addenda, ensure that the latest documents are being used.

6. This project requires a separate proposal guaranty for each area being bid on. The proposal guaranty amount is \$2,750 per area.
7. If you plan to claim the apprenticeship preference, please identify on your Form 1 the areas you plan to claim the apprenticeship preference for.

B. Bidders were invited to ask questions, but there were none.

C. The following reminders were given:

1. All requests for information (RFIs) must be submitted in writing through HiePRO no less than 14 calendar days before bid opening. Bid opening is currently scheduled for Friday, October 21, 2022, at 2:00 p.m. HST, so questions are due by Friday, October 7, 2022, at 2:00 p.m. HST. Any questions received after the deadline will not be addressed and verbal RFIs will not receive a response.

D. The meeting concluded at 10:08 a.m.

**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION**

Project Title: SIGN REPLACEMENT AT VARIOUS LOCATIONS
ISLAND OF OAHU

Project No.: PROJECT NO.: HWY-OM-2023-47

Prospective bidders had submitted RFIs in HlePRO. Question and responses are as follows:

1. Are post mounted Construction Signs (Road Work Ahead & End Road Work) required per spec 645.03 (B) Construction Signs. Erect construction signs at the beginning of project and at the end of project at the location indicated by the Engineer. These signs shall remain for the duration of the highway project. Maintain these signs. Place these signs besides the required traffic control signs called for herein? If so, can you please provide the quantity and locations?

Response: As the intent for this contract is for short-term installation and does not involve installing signage for lengthy construction projects, the posted mounted construction signs are not included in the proposal schedule.

2. Can used signs, posts and hardware be used for Advisory and Construction Work Zone Signs if they are required for the project?

Response: Permanent Advisory and Construction Work Zone signs are not included in the proposal schedule.